

GARY SANITARY DISTRICT

CONSENT DECREE SEMI-ANNUAL PROGRESS REPORT January 1, 2020 – June 30, 2020

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**Honorable Mayor Jerome Prince
City of Gary**

BOARD OF GARY SANITARY DISTRICT COMMISSIONERS

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**Daniel F. Vicari, P.E., BCEE
Executive Director**

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Attorney**

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VII GENERAL COMPLIANCE REQUIREMENTS

10. Defendants shall at all times comply with: all terms and conditions of the 2012 NPDES Permit and any successor NPDES permit applicable to the POTW; all the applicable provisions of the CWA, 33 U.S.C. § 1251 et seq.; all the applicable regulations promulgated pursuant to the CWA, including but not limited to wastewater monitoring and sampling requirements set forth at 40 C.F.R. Part 136; Title 13 of the IND. CODE § 13, and the Indiana regulations, 327 IND. ADMIN. CODE 5.

Gary Sanitary District has complied, unless otherwise indicated, with the terms of the 2017 NPDES permit, including but not limited to, monitoring and sampling requirements. Persons with knowledge of this information are Rhonda Anderson, Plant Superintendent/Operator of Record, Bob Theodorou, Laboratory Manager, and Kendra Jones QA/QC Chemist.

12. Final Effluent Limits. Defendants shall at all times comply with all applicable requirements related to discharges from Outfall 001 A and Outfall 001 B that are specified in Part I.A.1 of the 2012 NPDES Permit, and all applicable requirements related to discharges from Outfalls 001 A and 001 B that shall be specified in any successor NPDES permit, including but not limited to any limits on quantities, loadings and/or concentrations of the listed parameters, and the related monitoring requirements.

There were no NPDES permit limit violations during the monitoring period with the exception of final effluent dissolved oxygen (DO) and total chlorine residual (TCR) in May. The DO excursion was caused by leaks in the pipe that conveys air from the blower building to the contact chambers. The pipe will be replaced during the Aeration Improvement Project that is scheduled to be complete by December 31, 2020. Also, the chlorine loading violation was due to excessive rain and treated water. Persons with knowledge of this information include Rhonda Anderson, Plant Superintendent/Operator of Record.

13. Consent Decree Compliance Funding Requirements.

- a. Defendants shall at all times provide sufficient funding to meet the terms and requirements of this Decree...**

Gary Sanitary District has sufficient funding to meet the terms of this Decree, the 2017 NPDES Permit and applicable provisions of the CWA and the State law. Persons with knowledge of this information include Tramel Raggs, GSD Vice President of the Board of Commissioners, Daniel Vicari, Executive Director, and Vern White, Director of Administration.

**b. The City shall repay all loans that have been extended to it by GARY
SANITARY DISTRICT...**

The City continues to be on schedule with loan repayment to Gary Sanitary District per the requirements of this Decree. The most recent payment was on January 24, 2020 in the amount of \$500,000. Those with knowledge of this information include Daniel Vicari, Executive Director, and Vern White, Director of Administration.

VIII. CSO OPERATIONAL PLAN AND LONG-TERM CONTROL PLAN REQUIREMENTS

15. CSO Operational Plan (“CSOOP”). Defendants shall at all times maintain a current copy of the CSOOP on file at the WWTP and operate the POTW in accordance with the CSOOP.

Gary Sanitary District has at all times maintained a current copy of its CSOOP at the WWTP and has operated its WWTP in accordance with the CSOOP. Daniel Vicari, Executive Director, and Rhonda Anderson, Plant Superintendent/Operator of Record, has knowledge of this information.

- a. Not later than 60 Days after the Effective Date, Defendants shall submit to Plaintiffs for review and approval a revised version of the CSOOP that was initially approved by IDEM in 1994...**

Gary Sanitary District updated its 1994 CSOOP and submitted a revised version on May 17, 2018, meeting the 60 day requirement. Daniel Vicari, Executive Director, and Rhonda Anderson, Plant Superintendent/Operator of Record, has knowledge of this information.

- b. By January 31 of each year following the year of submission of the revised CSOOP pursuant to paragraph 15.a of this Decree, Defendants shall submit to Plaintiffs for Plaintiffs’ approval any updates, modifications, and/or revisions of the CSOOP pursuant to Section XIX.**

Gary Sanitary District updated its May 17, 2018 CSOOP, incorporating responses to comments received from IDEM on 7/26/2018 and 11/19/2018 and activities performed by GSD from May 17, 2018 through December 31, 2018. GSD submitted Annual Updates to the CSOOP on January 31, 2019 and January 31, 2020. Annual CSO Notification Reports were submitted as required by May 1, 2019 and May 1, 2020. Daniel Vicari, Executive Director, and Rhonda Anderson, Plant Superintendent/Operator of Record, has knowledge of this information.

- c. The EPA upon consultation with IDEM, will review and approve the revised CSOOP...**

On April 4, 2019, GSD received approval from the USEPA and IDEM on the revised CSOOP. In Section 6 of the approved CSOOP, and subsequent updates, GSD provided a Schedule of Future Activities including staffing considerations, collection system projects, infiltration and inflow projects, lift station and regulator upgrades, wastewater treatment plant upgrades, wastewater treatment plant upgrades, and next steps on the Long Term Control Plan. Daniel Vicari, Executive Director, and Rhonda Anderson, Plant Superintendent/Operator of Record, has knowledge of this information.

16. Stress Test...

- c. Within 120 Days of the Effective Date, Defendants shall prepare and submit a report (“Stress Test Report”) to Plaintiffs...**

Gary Sanitary District submitted its Stress Test Report on July 17, 2018, meeting the 120 day requirement. The Stress Test Report incorporated responses to IDEM and USEPA comments from 1/12/2018. In a letter dated February 22, 2019, GSD was notified that the submitted Stress Test Report was approved. Daniel Vicari, Executive Director, has knowledge of this information.

17. Maximization of Flow

- a. Defendants shall maximize treatment and influent pumping at the WWTP and make maximum use of the transport and storage capacity of the Collection System to minimize the number, duration, and volume of CSO Discharges.**
- b. Defendants shall operate the POTW at the maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency, and duration of CSOs.**

Gary Sanitary District continues to maximize treatment and influent pumping and operate the plant at the maximum treatable flow during rain events to reduce the magnitude, frequency, and duration of CSOs. The maximum treatable flow conditions are detailed in the Stress Test Report approved on February 22, 2019. Persons with knowledge of this information include Rhonda Anderson, Plant Superintendent/Operator of Record.

- c. Defendants shall make maximum use of the Collections System storage capacity. Within 180 days of Effective Date, defendants shall survey weir heights....**

Gary Sanitary District has conducted a weir survey and compared them to basement elevations to determine the appropriate height to which the weirs can be raised in order to increase Collections System Storage. In addition, weirs were raised, where possible, to minimize overflows and basement backups. Kola Awosika, Director of Engineering, has knowledge of this information.

18. Other Operational and Maintenance Requirements Defendants shall at all times comply with the following terms and conditions regarding operation and maintenance.....

- a. Defendants shall at all times keep fully open all influent gate valves of the headworks of the WWTP except as provided herein...**

Influent gates were kept fully open 100% of the time between January 1, 2020 and June 30, 2020. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- b. Defendants shall have no primary clarifiers out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

There were no primary clarifiers out of service from January 1, 2020 through June 30, 2020 except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- c. Defendants shall have no secondary clarifiers out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

There were no secondary clarifiers out of service from January 1, 2020 through June 30, 2020, except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- d. Defendants shall have no filter cells out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

There were no filter cells out of service from January 1, 2020 through June 30, 2020, except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent, /Operator of Record, and Juan Roldan, Maintenance Supervisor.

- e. Defendants shall have no influent pumps out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

There were no influent pumps out of service from January 1, 2020 through June 30, 2020, except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- f. Defendants shall have no bar screens or grit tanks out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

There were no bar screen or grit tanks out of service from January 1, 2020 through June 30, 2020, except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- g. Defendants shall not have the trash rack out of service except pursuant to the requirements in Part II B of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permit.**

The trash rack was not out of service from January 1, 2020 through June 30, 2020, except for essential maintenance and there were no effluent violations as a result of this maintenance, consistent with the 2017 NPDES permit Part II.B.2.f. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

- h. Defendants shall operate and maintain the WWTP so as to minimize the amount of time any treatment unit is out of service, and to the extent possible, avoid having more than one type of treatment unit out of service at any one time...**

Gary Sanitary District operated and maintained the WWTP in such a way as to minimize the amount of time treatment units were out of service. Persons who have knowledge of this are Rhonda Anderson, Plant Superintendent/Operator of Record, and Juan Roldan, Maintenance Supervisor.

19. Long Term Control Plan Development. Defendants shall develop a long term control plan ("LTCP") to control discharges from the CSO Outfalls in accordance with Section IV of Attachment A to the 2012 NPDES Permit, the CSO Control Policy, all applicable provisions of the CWA and Indiana State law, and with requirements in Appendix 3 of this Consent Decree and the LTCP Development Schedule set forth in Attachment 1 to Appendix 3.

Having previously submitted the revised Characterization Report on January 31, 2019, Gary Sanitary District submitted the Long Term Control Plan Alternatives Analysis and Cost-Benefit/Plan Development on August 8, 2019 to the USEPA and IDEM. Daniel Vicari, Executive Director, has knowledge of this information.

20. Public and Regulatory Participation Plan. No later than 60 Days after the Effective Date, Defendants shall submit to Plaintiffs for Plaintiffs' approval pursuant to Section XIX (Plaintiff's Approval of Plans and Other Submissions) a revised plan for public and regulatory agency participation ("Participation Plan")...

Gary Sanitary District submitted its Participation Plan on May 18, 2018, meeting the 60 day requirement. USEPA sent an approval notification to Gary Sanitary District on June 15, 2018. In addition, GSD submitted a response to Round 1 Agency Comments on 5/8/20. GSD also facilitated and participated in a number of calls and meetings to discuss various aspects of the LCTP such as:

- Regulatory Agency Meeting #1 (Consent Decree Clarifications Meeting) was held on March 1, 2017,
- Regulatory Agency Meeting #2 (Wastewater Treatment Plant Walk Thru) was held on May 10, 2018,
- Regulatory Agency Meeting #3 (CSO Characterization Report) was held on December 19, 2018,
- Regulatory Agency Meeting #4 (Baseline Conditions) was held on 5/31/19,
- Public Participation Meeting #1 (Initial Results of LTCP) was held on July 11, 2019, which was advertised via public notice and on social media outlets and several local stakeholders and community members were attendance,
- Regulatory Agency Meeting #5 (Alternatives and Recommended Plan Evaluation) was held on 9/30/19,
- Regulatory Agency Meeting #6 (Alternative Analysis and Recommended Plant Evaluation) was held on 12/18/19.

Upon receipt of USEPA approval of the Alternatives Analysis and Recommended Plan Evaluation, the next steps in this process are:

- Long Term Control Plan – Draft and Final
- Public Meeting #2,
- Regulatory Agency Participation (throughout the process).

Daniel Vicari, Executive Director, has knowledge of this information.

**IX. RALSTON STREET LAGOON AND GRAND CALUMET RIVER
REMEDATION REQUIREMENTS**

23.

b. No later than 60 days after the Effective date, Defendants shall submit to EPA, in accordance with Section XIX (Plaintiffs Approval of Plans and Other Submissions) of this Decree, a proposed schedule for the completion of the remediation of the Ralston Street Lagoon in accordance with the RSL Final Decision.

Gary Sanitary District submitted a proposed schedule for remediation of the Ralston Street Lagoon on 5/18/2018, meeting the 60 day requirement. Daniel Vicari, Executive Director, has knowledge of this information.

24. Remediation Account Fund. Defendants shall continue to maintain the Remediation Account as a separate, interest bearing account designated for the remediation of the sediment of the Grand Calumet River.

The Gary Sanitary District continues to maintain separate interest bearing accounts designated for the remediation of the sediment of the Grand Calumet River. Vern White, GSD Director of Administration, has knowledge of this information.

X. SUPPLEMENTAL ENVIRONMENTAL PROJECT

31. Defendants shall complete the supplemental environmental project (“SEP”) in accordance with this Section and provisions of Appendix 5.

- a. Gary Sanitary District hired Cardno to conduct invasive control activities at the Pine Station Nature Preserve oxbow (the “Oxbow”), a roughly 19-acre parcel on the banks of the Grand Calumet River. Removal of invasives will allow for the re-vegetation of native species after the project end. From January 1, 2020 through June 30, 2020, the following SEP activities at a cost of \$20,239.86 were completed:
 - Winter 2019/2020 – Removed and treated invasive woody species
 - Summer 2020 – Spot treated for resprouts completed
- b. Gary Sanitary District certifies:
 1. That all cost information provided to Plaintiffs in connection with the Plaintiffs’ approval of the SEP is complete and accurate and that Defendants in good faith estimate that the cost to implement the SEP is \$175,000.
 2. That, as of the date of executing this Decree, Defendants are not required to perform or develop the SEP by any federal, state, or local law or regulation and are not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum.
 3. That the SEP is not a project that Defendants were planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Decree.
 4. That Defendants have not received and will not receive credit for the SEP in any other enforcement action.
 5. That Defendants will not receive reimbursement for any portion of the SEP from another person or entity.
 6. That Defendants represent that as governmental entities they do not pay federal or state taxes.
 7. That Defendants are not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP.
 8. That, to the best of Defendants’ knowledge and belief after reasonable inquiry, there is no open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that Defendants are signing this Consent Decree.

Daniel Vicari, GSD Executive Director, has knowledge of this information.

XI. REPORTING AND CERTIFICATION REQUIREMENTS

32.

d. Description of all equipment or facilities used or installed at the WWTP or any portion of the Collection System that had been out of service during the six months covered by the report, including the date the equipment or facilities were first out of service and the date when it returned to service or will be returned to service, as appropriate, including the repair/replacement costs. This includes equipment such as vacuum trucks and street sweepers.

The description of equipment and facilities that were out of service during the monitoring period is included. Persons with knowledge of this information include Rhonda Anderson, Plant Superintendent/Operator of Record, Juan Roldan, Maintenance Supervisor, Lamingo Tomlin Collections Manager, and Hector Medina, Maintenance Support Specialist.

34. Submissions of Reports Required by NPDES Permits. Defendants shall submit to EPA the following reports that are generated pursuant to the requirements of the 2012 NPDES permit or pursuant to the corresponding provisions of any successor NPDES permits.....

Gary Sanitary District has submitted timely reports, including but limited to MRO, DMR, and CSO reports to IDEM and USEPA. Persons who have knowledge of this information include Daniel Vicari, Executive Director, Rhonda Anderson, Plant Superintendent/Operator of Record, and Bob Theodorou, Laboratory Manager.

36. Certificate of Sufficient Funding...

Certificate of Sufficient Funding by the Tramel Raggs, GSD Board of Commissioners Vice President, is included. Persons with knowledge of this information include the Tramel Raggs, GSD Board Vice President, Daniel Vicari, Executive Director, and Vern White, Director of Administration.

XII Special Administrator

44. The Superintendent of the WWTP shall submit reports to the Special Administrator on a semi-annual basis...

The Semi-Annual Superintendent's Report for the period January 1, 2020 through June 30, 2020 was submitted to The Honorable Mayor of the City of Gary, Jerome Prince, by the July 15, 2020 due date and is included. Persons who have knowledge of this information include, The Honorable Mayor of the City of Gary, Jerome Prince, Daniel Vicari, Executive Director, and Rhonda Anderson, Plant Superintendent.